

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 15710 of 2007(T)

PETITIONER:

**SUNIL KUMAR.T., S/O.THANKAPPAN NAIR,
VARUNA BHAVAN, KUNJUKONAM, KOTTUKAL,
NELLIMOODU P.O., THIRUVANANTHAPURAM.**

**BY ADV. SRI.M.RAJAGOPALAN NAIR
SRI.G.BIJU**

RESPONDENTS:

- 1. NEYYATTINKARA CO-OPERATIVE BANK LTD.
NO.931, NEYYATTINKARA P.O., THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR.**
- 2. SPECIAL SALE OFFICER, NEYYATTINKARA
CO-OPERATIVE BANK, OFFICE OF THE ASSISTANT
REGISTRAR OF CO-OPERATIVE SOCIETIES,
NEYYATTINKARA P.O., THIRUVANANTHAPURAM.**
- 3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES, NEYYATTINKARA, NEYYATTINKARA P.O.,
THIRUVANANTHAPURAM.**

**BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL
GOVT. PLEADER SRI.P.K.RAVINDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1 TRUE COPY OF ARBITRATION SUIT ARC 1344/03**
- EXT.P2 TRUE COPY OF DEMAND NOTICE DTD. 10-10-06 RECEIVED
BY PETITIONER FROM R2**
- EXT.P3 TRUE COPY OF AFFIDAVIT AND PETITION DTD. 30-10-06
FILED BY PETITIONER BEFORE THE SPECIAL SALES
OFFICE, NEYYATTINKARA**
- EXT.P4 TRUE COPY OF ATTACHMENT ORDER DTD. 9-4-07 ISSUED
BY SECOND RESPONDENT.**
- EXT.P5 TRUE COPY OF LETTER SENT TO THE MANAGING
DIRECTOR OF FIRST RESPONDENT BANK DTD. 7-6-07
BY PETITIONER UNDER CERTIFICATE OF POSTING.**

RESPONDENT'S EXHIBITS

- EXT.R1(A) TRUE COPY OF THE AWARD DTD. 16-10-04**
- EXT.R1(B) TRUE COPY OF THE E.P. DTD. 19-9-06**

/True Copy/

K. M. JOSEPH, J.

W.P.C. NO. 15710 OF 2007 T

Dated this the 4th July, 2007

JUDGMENT

Heard the learned counsel for petitioner and the learned Government Pleader besides the learned counsel appearing on behalf of the first respondent Bank. Petitioner seeks to challenge Exts.P2 and P4 which are recovery proceedings. Complaint of petitioner is that copy of the Award has not been served on him and he wants to challenge the Award, if it is served on him. In such circumstances, the Writ Petition is disposed of as follows:

There will be a direction to the third respondent to serve a copy of the Award in A.R.C. No.1344/03 within a period of three weeks from the date of receipt of a copy of this Judgment. The proceedings against the petitioner shall be kept in abeyance for a period of two months from today on condition that the petitioner pays Rs.25,000/= (Rupees Twentyfive Thousand) more within a period of one month from today.

K. M. JOSEPH, JUDGE

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